

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NATHAN BERKE,

Petitioner,

v.

No. 19-cv-914 JB-KBM
No. 17-cr-1361 JB-KBM

UNITED STATES OF AMERICA,

Respondent.

ORDER GRANTING LEAVE TO FILE AMENDED HABEAS PETITION

This matter is before the Court on Nathan Berke's *pro se* motion inquiring about a 28 U.S.C. § 2255 habeas petition (CV Doc. 1). Berke asks the Court to send him a form § 2255 petition. He also requests an extension of the one-year period to file the § 2255 proceeding. The Court entered the criminal Judgment on November 5, 2018, and Berke filed the instant Motion on September 27, 2019, within the one-year period. (CR Docs. 99, 104). The Court will grant the requested relief and send Berke a blank § 2255 petition. If Berke files that completed petition within thirty-five (35) days of entry of this Order, the Court will also construe the filing as an amended § 2255 petition that relates back to the original filing date (September 27, 2019). If Berke fails to timely file a completed form § 2255 petition, the Court will dismiss the civil case without prejudice, and any subsequent filings may be untimely.

IT IS ORDERED that the Clerk's Office shall **MAIL** Berke a blank § 2255 habeas petition; and Berke shall **FILE** the § 2255 petition within 35 days of entry of this Order.


UNITED STATES MAGISTRATE JUDGE